

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TONY EPPS, #00450886,	§	
Petitioner,	§	
	§	
v.	§	CIVIL CASE NO. 3:18-CV-1115-B-BK
	§	APPEAL CASE NO. 18-11466
LORIE DAVIS, Director,	§	
TDCJ-CID,	§	
Respondent.	§	

AMENDED ORDER ACCEPTING FINDINGS, CONCLUSIONS AND
RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

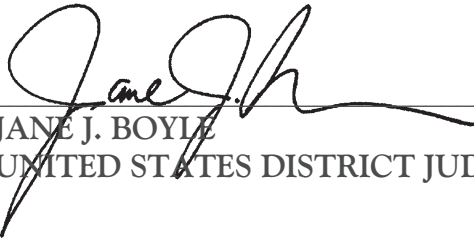
Before the Court is Petitioner's July 5, 2019 *Objection* to the June 14, 2019 *Findings, Conclusions and Recommendation of the United States Magistrate Judge*. Doc. 37. Petitioner states he placed the *Objection* in the prison mail box on June 30, 2019. Doc. 37 at 3. On July 3, 2019, the Court accepted the Magistrate Judge's *Recommendation* and denied Petitioner's Motion for a Delayed Notice of Appeal, construed as a motion to reopen the time to file the notice of appeal under FED. R. APP. P. 4(a)(6), not having seen Petitioner's *Objection*. The Court now considers the *Objection*.

Petitioner does not claim that he can satisfy the first requirement of Rule 4(a)(6) – namely that he did not receive the August 16, 2018 judgment. He reiterates simply that the reason he was unable to timely file a notice of appeal was due to the supposed denial of access to the prison law library.

After a de novo review of those portions of the proposed findings and recommendation to which objection was made, the Court **OVERRULES** Petitioner's *Objection*.

IT IS THEREFORE ORDERED that Petitioner's Motion for a Delayed Notice of Appeal, construed as a motion to reopen the time to file the notice of appeal under FED. R. APP. P. 4(a)(6), is **DENIED**.

SO ORDERED this 15th day of July, 2019.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE